



# House of Representatives

General Assembly

**File No. 453**

February Session, 2000

Substitute House Bill No. 5764

*House of Representatives, April 5, 2000*

The Committee on Judiciary reported through REP. LAWLOR of the 99<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***An Act Promoting The Rights Of Adopted Individuals.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (a) Notwithstanding the provisions of chapter 803
- 2 of the general statutes, if the parental rights of biological parents of an
- 3 individual have been terminated in this state on or after the effective
- 4 date of this act, such individual, on attaining eighteen years of age or
- 5 any time thereafter, (1) may examine the individual's original birth
- 6 certificate or birth record and receive a copy of such certificate or
- 7 record pursuant to section 7-51 of the general statutes, and (2) may
- 8 access information in possession of a child-placing agency or the
- 9 Department of Children and Families that identifies the individual's
- 10 biological parents. Any information provided in this section shall not
- 11 be released unless the registrar of vital statistics, the Department of
- 12 Public Health, any child-placing agency or the Department of Children
- 13 and Families, as the case may be, is satisfied as to the identity of the
- 14 person requesting the information.

15 (b) An individual requesting information under this section who is  
16 of the opinion that an item of information is being withheld may  
17 petition the Probate Court for an order for release of the information.

18 Sec. 2. Section 7-53 of the general statutes is repealed and the  
19 following is substituted in lieu thereof:

20 Upon receipt of the record of adoption referred to in subsection (e)  
21 of section 45a-745 or of other evidence satisfactory to the Department  
22 of Public Health that a person born in this state has been adopted, said  
23 department shall prepare a new birth certificate of such adopted  
24 person. Such new birth certificate shall include all the information  
25 required to be set forth in a certificate of birth of this state as of the date  
26 of birth, except that the adopting parents shall be named as the parents  
27 instead of the genetic parents and, when a certified copy of the birth of  
28 such person is requested by an authorized person, a copy of the new  
29 certificate of birth as prepared by the department shall be provided,  
30 except that the registrar of vital statistics of any town in which the  
31 birth of such person was recorded or the Department of Public Health  
32 [may] shall issue a certified copy of the original certificate of birth on  
33 file, marked with a notation by the issuer that such original certificate  
34 of birth has been superseded by a new certificate of birth as on file, [or  
35 may] and shall permit the examination of such record upon a written  
36 order, in accordance with the provisions of section 45a-751, signed by  
37 the judge of the probate court for the district in which the adopted  
38 person was adopted or born or upon written order of the Probate  
39 Court in accordance with the provisions of section 45a-752, stating that  
40 the court is of the opinion that the examination of the birth record of  
41 the adopted person by the adopting parents or the adopted person, if  
42 over eighteen years of age, or by the person wishing to examine the  
43 same or that the issuance of a copy of such birth certificate to the  
44 adopting parents, adopted person, if over eighteen years of age or to  
45 the person applying therefor will not be detrimental to the public  
46 interest or to the welfare of the adopted person or to the welfare of the

47 genetic or adoptive parent or parents. Immediately after a new  
48 certificate of birth has been prepared, an exact copy of such certificate,  
49 together with a written notice of the evidence of adoption, shall be  
50 transmitted by the department to the registrar of vital statistics of each  
51 town in this state in which the birth of the adopted person is recorded.  
52 The new birth certificate, the original certificate of birth on file and the  
53 evidence of adoption shall be filed and indexed, under such  
54 regulations as the Department of Public Health makes to carry out the  
55 provisions of this section and to prevent access to the records of birth  
56 and adoption and the information therein contained without due  
57 cause, except as herein provided. Any person, except such parents or  
58 adopted person, who discloses any information contained in such  
59 records, except as herein provided, shall be fined not more than five  
60 hundred dollars or imprisoned not more than six months or both.  
61 Whenever a certified copy of an adoption decree from a court of a  
62 foreign country, having jurisdiction of the adopted person, is filed with  
63 the Department of Public Health under the provisions of this section,  
64 such decree, when written in a language other than English, shall be  
65 accompanied by an English translation, which shall be subscribed and  
66 sworn to as a true translation by an American consulate officer  
67 stationed in such foreign country.

68       Sec. 3. Section 45a-744 of the general statutes is repealed and the  
69 following is substituted in lieu thereof:

70       It is the policy of the state of Connecticut (1) to make available to  
71 adopted and adoptable persons who are adults ~~[(1)]~~ information  
72 concerning their background and status; to give the same information  
73 to their adoptive parent or parents; and, in any case where such adult  
74 persons are deceased, to give the same information to their adult  
75 descendants, including adopted descendants except a copy of their  
76 original birth certificate as provided by section 7-51 unless permitted  
77 under section 1 of this act; (2) except as provided in section 1 of this  
78 act, to provide for consensual release of additional information which

79 may identify the biological parents or relatives of such adult adopted  
80 or adoptable persons when release of such information is in the best  
81 interests of such persons; (3) except as provided in subdivisions (4) and  
82 (5) of this section, to protect the right to privacy of all parties to  
83 termination of parental rights, statutory parent and adoption  
84 proceedings; (4) to make available to any biological parent of an adult  
85 adopted or adult adoptable person, including a person claiming to be  
86 the father who was not a party to the proceedings for termination of  
87 parental rights, information which would tend to identify such adult  
88 adopted or adult adoptable person; and (5) to make available to any  
89 adult biological sibling of an adult adopted or adult adoptable person  
90 information which would tend to identify such adult adopted or adult  
91 adoptable person.

**HS Committee Vote:** Yea 11 Nay 7 JF C/R JUD

**JUD Committee Vote:** Yea 40 Nay 0 JFS

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Future Indeterminate Cost, Future Minimal Revenue Gain

**Affected Agencies:** Departments of Children and Families, Public Health; Probate Court (Judicial Department)

**Municipal Impact:** Future Indeterminate Cost, Future Minimal Revenue Gain

**Explanation****State and Municipal Impact:**

This bill allows a person whose parental rights are terminated in a Connecticut court after September 31, 2000, to access his or her original birth certificate, as well as information held by a child-placing agency or the Department of Children and Families (DCF), once he or she turns eighteen. Currently, this can only be done after seeking a court order or consent of the biological parents.

The impact upon the DCF, the State Registrar of Vital Records and local registrars will not be felt for many years. An estimated 200 - 400 children meeting the bill's eligibility criteria are adopted annually. As those seeking information identifying their biological parents will predominantly be those adopted at a very young age, a noticeable workload increase will first be experienced some 10-15 years in the future. Demand for services will progressively grow, as time elapses

and more adopted persons attain eighteen years of age. Resulting costs would be associated with clerical support needed to respond to requests for documents, search archives and produce certified copies.

A minimal future revenue gain would result to the extent that the DPH assesses a \$15 fee for certified copies of birth certificates or a local registrar assesses a \$5 fee.

Similarly, any resulting increase in the number of appeals to the Probate Court would be anticipated to only be noticeable many years in the future. This increase in workload may be offset to the extent that the Probate Court will process fewer requests for orders permitting adult adopted persons to obtain their birth records.

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**OLR Bill Analysis****sHB 5764*****AN ACT PROMOTING THE RIGHTS OF ADOPTED INDIVIDUALS.*****SUMMARY:**

This bill gives future adopted adults the absolute right to see and get copies of their original birth certificates or records and other information that identifies their biological parents. It applies to those age 18 or older whose parents terminate their parental rights in Connecticut after September 30, 2000. It alters the state's public policy to reflect these changes.

Agencies and record keepers must be satisfied of the requesting person's identity before releasing this information. The bill allows those who believe that information is being withheld to get a probate judge to order its release.

Currently, child-placing agencies and the Department of Children and Families must locate and get biological parents' permission before giving adopted adults information that identifies their birth parents. Adopted adults cannot see their original birth certificates without a court order. (These rules will remain in effect under the bill for those whose parents terminated their rights before October 1, 2000.)

The bill also makes it mandatory for vital statistics registrars or the Public Health Department to issue certified copies of original birth certificates and allow those with probate court orders to see them.

EFFECTIVE DATE: October 1, 2000

**BACKGROUND*****Birth Certificate Access***

Currently, the local registrar of vital statistics in the town where a birth is recorded or the state Department of Public Health can grant access

to an original birth certificate in adoption situations only if a probate court has issued a written order authorizing it. To do this, the judge must find that disclosure is not detrimental to the public interest or the welfare of the adopted person, biological parents, or adoptive parents.

***Adoption Records***

Except in limited circumstances, child-placing agencies must get biological parents' permission before giving adopted adults access to information that identifies them. If parental rights were terminated before October 1, 1995, both parents must consent. For terminations on or after that date, either birth parent may consent to the release of information about his or her identity.

**COMMITTEE ACTION**

## Human Services Committee

Joint Favorable Change of Reference

Yea 11      Nay 7

## Judiciary Committee

Joint Favorable Substitute

Yea 40      Nay 0